

(Via Video Conference)

CRM 3371 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Raghunathganj Police Station** Case No. **24 of 2021** dated **14.01.2021** under Sections **21(C)/25/28/29** of the NDPS Act.

- A n d -

In the matter of : Bifal Mondal

.... Petitioner.

Mr. Sandipan Ganguly,
Mr. J. I. Hossain,

... For the Petitioner.

Mr. Neguive Ahmed,
Mr. T. Mitra,

... For the State.

The petitioner has been charged with allegations under the Narcotic Drugs and Psychotropic Substances Act, 1985. It is submitted on behalf of the petitioner that the petitioner is in custody for about 200 days after being falsely implicated. No narcotic substance was recovered from the possession of the petitioner and his name has transpired from the statement of a co-accused. Also, a driving license in the name of the petitioner was seized from the place of occurrence.

The State opposes the prayer for bail and refers to the statement of witnesses and seizure list in the case diary. Charge-sheet has been submitted.

We have considered the material on record. It is not in dispute that no narcotic substance above the commercial quantity was recovered from the possession of the petitioner.

It is also admitted that the driving license of the petitioner was recovered from the manufacturing unit at the time of search and seizure. The connection of the petitioner with the alleged offence shall be considered at the time of trial. There is no ground for further detention of the petitioner only on the basis of his driving license having been recovered from the manufacturing unit. As no commercial quantity of contraband was recovered from the possession of the petitioner, the rigors of Section 37 of the NDPS Act are not attracted. Having considered the material on record, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- , with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge, under the NDPS Act, Berhampore, Murshidabad, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)